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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,148	02/14/2001	Silvain Schaffer	SCHAFFER4	8324
1444	7590	09/17/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				MOORE, IAN N
		ART UNIT		PAPER NUMBER
				2661

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,148	SCHAFFER, SILVAIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ian N Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 8-12 is/are rejected.
- 7) Claim(s) 6 and 7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. This is in response to preliminary amendment filed on May 23, 2001.
2. Amended claim 6 (which discloses steps i to viii) is directed to claim 6 on page 20. Thus, Examiner asserts the amended claim 6 (on page 4 and 5 of the preliminary amended) replaces the claim 6 on page 20.

### *Drawings*

3. The drawings are objected to because there is a lack of descriptive legends for FIG. 1.

### *Claim Objections*

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two claims 6, one on page 20 and one on page 21. Misnumbered claim 1-11 been renumbered 1-12.

5. **Newly label Claim 7** (previously label claim 6 on page 21) is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in

independent form. Claim 7 (previously label claim 6 on page 21) depends on claim 5. Claim 7 recites the repeating steps iv to vii. However, parent claim 5 does not discloses any of the steps iv to vii.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-5, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T (I.366.2) in view of Li (U.S. 2003/0138061A1).

**Regarding claim 1 and 10,** ITU-T'366 discloses an encoding/decoding device (see FIG. 6-1, Service point convergent sub layer of the encoder/decoder device, SSCS transmitter/receiver with encoding/decoding functinalities; see page 6, paragraph 1-7, see page 7-8, section 7) provided with means of implementing at least one audio algorithm (see page 43, section I.3, paragraph 3, selected an adaptive audio algorithm),  
said encoding/decoding device is adapted for transmission of audio signals (page 7-8, section 7.1 and 7.2, the transmitter transmits the encoded the audio signals, and receiver decodes the received audio signals) over an network (see FIG. 6-2, ATM network), and  
is capable of resetting said at least one audio algorithm to its initial pre-defined values in response to a synchronous reset message (i.e. a message/information/data in the first active voice packet (following a generic SID packet) which selects an audio algorithm and causes

encoder/decoder to reset) received by a receiver associated therewith (see page 43, section I.3, paragraph 1-4; note that the encoder/decoder is rest to its specified initial values after receiving the message/information/data at the receiver of the encoder/decoder).

ITU-T'366 does not explicitly disclose an IP network.

However, the above-mentioned claimed limitations are taught by ITU-T'366. In particular, Li'061 teaches said encoding/decoding device (see FIG. 6, a digital signal processor (i.e. physical device PXD 62) which comprises Voice encoder 82 and decoder 96) is adapted for transmission of audio signals (see page 6-7, paragraph 76-77, 83-86) over an IP network (see FIG. 1, packet based network 10, i.e., IP network; see page 57, paragraph 57).

In view of this, having the system of ITU-T'366 and then given the teaching of Li'061, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of ITU-T'366, by providing an IP network, as taught by Li'061. The motivation to combine is to obtain the advantages/benefits taught by Li'061 since Li'061 states at page 4, paragraph 57 that such modification would provide a communication interface between packet based network and a number of telephony devices, and by sending encoded audio/voice packet over the IP network will reduce the communication cost for the subscribers and increase the service provider's capability to provide various services utilizing Internet.

**Regarding claim 12,** ITU-T'366 discloses a system adapted for transmission of audio signals over an network (see FIG. 6-1 and 6-2; Service point convergent sub layer of the

encoder/decoder device, SSCS transmitter/receiver; see page 6, paragraph 1-7, over the ATM network) comprising

at least one pair of interconnected compressing/decompressing devices (see FIG. 6-1, a pair of Service point convergent sub layer device SSCS1 on the transmitting side and SSCS1 on the receiving side of the network) one of which is operative as an audio encoder (see FIG. 6-1, SSCS1 transmitter is the encoder; page 7-8, section 7.1) and the other as an audio decoder (see FIG. 6.1, SSCS1 receiver is the decoder; page 7-8, section 7.2) and

at least one message transmitter capable of transmitting (see FIG. 6-1, SSCS1 transmitter transmits audio packets and SID packet; page 7-8, section 7.1) a synchronous reset message (i.e. a message/information/data in the first active voice packet (following a generic SID packet) which selects an audio algorithm and causes encoder/decoder to reset),

wherein said audio encoder is reset along with the transmission of said synchronous reset message and wherein said audio decoder is reset in response to receiving said synchronous reset message (see page 43, section I.3, paragraph 1-4; note that the encoder and decoder are rest to its specified initial values in order to maintain the synchronization. Thus, synchronization is initiated by the encoder/transmitter and follow by the decoder/receiver, In particular, SSCS1 encoder/transmitter rests its values along with the transmitting the message/information/data, and SSCS1 decoder/receiver rests its values when receiving the message/information/data.)

ITU-T'366 does not explicitly disclose an IP network.

However, the above-mentioned claimed limitations are taught by ITU-T'366. In particular, Li'061 teaches said encoding/decoding device (see FIG. 6, a digital signal

processor (i.e. physical device PXD 62) which comprises Voice encoder 82 and decoder 96) is adapted for transmission of audio signals (see page 6-7, paragraph 76-77, 83-86) over an IP network (see FIG. 1, packet based network 10, i.e., IP network; see page 57, paragraph 57).

In view of this, having the system of ITU-T'366 and then given the teaching of Li'061, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of ITU-T'366, by providing an IP network, as taught by Li'061. The motivation to combine is to obtain the advantages/benefits taught by Li'061 since Li'061 states at page 4, paragraph 57 that such modification would provide a communication interface between packet based network and a number of telephony devices, and by sending encoded audio/voice packet over the IP network will reduce the communication cost for the subscribers and increase the service provider's capability to provide various services utilizing Internet.

**Regarding claim 3,** ITU-T'366 discloses operative in at least one of the following events:

i. a new communication link between the encoder and decoder is established (see page 43, section I.3, paragraph 4; note that both encoder/decoder initiates the fresh adaptation for each talk spurt, thus resetting is occurred when a new or fresh communication link between encoder and decoder is established).

**Regarding claim 4,** ITU-T'366 discloses wherein the coordination of the synchronous operation of said audio encoder and said audio decoder is done by resetting said audio algorithm currently operative to its pre-defined values (see page 43, section I.3, paragraph 1-4; note that the encoder/decoder rest the algorithm to its specified initial values in order to synchronize the states.)

**Regarding claim 5,** the combined system of ITU-T'366 and Li'061 discloses said audio algorithm as described above in claim 1. Li'061 discloses wherein said audio algorithm is a member selected from a group comprising: G.723.1, G.729, G.729A, GSM full rate, GSM half rate and GSM enhanced rate (see page 13, paragraph 40; G.729 and G.723.1).

In view of this, having the system of ITU-T'366 and then given the teaching of Li'061, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of ITU-T'366 as taught by Li'061 for the same purpose and motivation as described above in claim 1.

**Regarding claim 8,** the combined system of ITU-T'366 and Li'061 discloses said a synchronous reset message as described above in claim 1. Li'061 discloses the packetizing utilizing RTP and transmitting RTP packets (see page 16, paragraph 176; packetizing engine creates RTP packets and transmitting; see page 21, paragraph 217).

In view of this, having the system of ITU-T'366 and then given the teaching of Li'061, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the system of ITU-T'366 as taught by Li'061 for the same purpose and motivation as described above in claim 1.

7. Claim 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T'366 and Li'061, as applied to claim 1 and 10 above, and further in view of Gvozdanovic (U.S. 6,600,720).

**Regarding claim 2 and 11,** the combined system of ITU-T'366 and Li'061 discloses wherein said at least one audio algorithm set forth in the rejection of Claim 1 as described above.

Neither ITU-T'366 nor Li'061 explicitly discloses having built-in silence suppression (see Gvozdanovic'720 see FIG. 3, IWF 30 having silence suppressing along with coding unit; see col. 4, lines 1-10, and IWF unit couples to the packet or cell based network, i.e., IP network; see col. 2, lines 42-48).

However, the above-mentioned claimed limitations are taught by Gvozdanovic'720. In view of this, having the combined system of ITU-T'366 and Li'061, then given the teaching of Gvozdanovic'720, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of ITU-T'366 and Li'061, by providing a silent suppression, as taught by Gvozdanovic'720. The motivation to combine is to obtain the advantages/benefits taught by Gvozdanovic'720 since Gvozdanovic'720 states at col. 4, line 6-10 that such modification would free the bandwidth that would have been used by silent period.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T'366 and Li'061, as applied to claim 1 above, and further in view of Black'260 (U.S. 5,715,260).

**Regarding claim 9,** the combined system of ITU-T'366 and Li'061 discloses said a synchronous reset message as described above in claim 1.

Neither ITU-T'366 nor Li'061 explicitly discloses reset is initiated at the decoder end of the network (see Black'260 FIG. 2, step 46 node 2 decoder 42 generates a reset request to node 1; see col. 5, lines 46-50).

However, the above-mentioned claimed limitations are taught by Black'260. In view of this, having the combined system of ITU-T'366 and Li'061, then given the teaching of Black'260, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of ITU-T'366 and Li'061, by providing a silent suppression, as taught by Black'260. The motivation to combine is to obtain the advantages/benefits taught by Black'260 since Black'260 states at col. 3, line 10-45 that such modification would reduce the amount of corrupted data in a system for transmitting encoded data across a network by adjusting the reset. Also, by generation the rest from decoder side will also synchronize the encoder side since it is well known in the art that both decoder and encoder must be present in a signal device.

#### *Allowable Subject Matter*

9. Amended Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM  
9/10/04



**BRIAN NGUYEN**  
**PRIMARY EXAMINER**